

REMARKS

Pursuant to the final Office Action mailed October 16, 2008, Applicant requests reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-32 and 34-41 are currently pending in this application, of which Claims 1, 20, and 32 are independent claims. Claims 1, 20, and 32 have been amended to further clarify that which the Applicant considers to be the invention. The application as now presented is believed to be in allowable condition.

A. **Claims Rejected Under 35 U.S.C. § 102**

Claims 1-9, 11-26, 28-32, 34-38, 40, and 41 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,259,772 to Stephens et al. (*Stephens*).

The present invention, as defined by amended Claim 1, is directed to a method of arranging a telephone call. The method includes receiving a text-based message having caller information associated with a caller network device and called endpoint information associated with a network device to be called. The telephone call arrangement is initiated in response to the text-based message prior to an attempt to call the network device. The arrangement is associated with a time to initiate the telephone call. The method also includes sending a first alerting signal to the network device to be called at the time associated with the arrangement and using the called endpoint information, at which time the network device to be called becomes a called network device in response to the first alerting signal being sent. The method further includes detecting whether a first connection signal is received from the called network device and sending a second alerting signal to the caller network device at the time associated with the arrangement and using the caller information, detecting whether a second connection signal is received from the caller network device, and attempting to connect the called network device to the caller network device in response to the second connection signal.

The present invention, as defined by amended Claim 20, is directed to a method of arranging a telephone call to a calling center. The method includes receiving, from a caller device, a text-based message having caller information associated with a caller network device and calling center information associated with the calling center. An arrangement of the telephone call is initiated in response to the text-based message prior to an attempt to call the calling center. The arrangement is associated with a time to initiate the telephone call. The method also includes sending a first alerting signal to the calling center at the time associated with the arrangement and using the calling center information. The method further includes detecting whether a first connection signal is received from the calling center, sending a second alerting signal to the caller network device at the time associated with the arrangement and using the caller information, detecting whether a second connection signal is received from the caller network device, and attempting to connect the caller network device to the calling center in response to the second connection signal.

The present invention, as defined by amended Claim 32, is directed to a system for arranging a telephone call. The system includes a server and a gateway. The server is adapted to receive, from a caller network device, a text-based message having caller information associated with a caller network device and called endpoint information associated with a network device to be called. An arrangement of the telephone call is initiated by the text-based message prior to an attempt to call the network device to be called. The arrangement is associated with a time to initiate the telephone call and the server is adapted to attempt to connect the telephone call in accordance with the arrangement, the caller information, and the called endpoint information. The gateway is coupled to the server and to a telephony network for providing communications from the server to the telephony network. At least one of the gateway and the server is adapted to send alerting signals to the network device to be called and to the caller network device in response to the arrangement. The network device to be called becoming a called network device in response to one of the alerting signals being sent to the network device to be called. At least one of the gateway and the server is further adapted to detect connection signals from the caller network device and from the called network device.

Stephens discloses a voice message delivery service for a telecommunication system in which a calling party can leave a message for a called party. (*Stephens* Figs. 4-6, 12, 13, and 14; col. 3, lines 42-63; col. 5, lines 1-57; col. 7 line 64 through col. 8, line 2; col. 9 line 39 through col. 10 line 24). When the calling party wishes to leave a message for the called party, the calling party can invoke the message delivery service, which records a voice message to be delivered. (Id.). If the message delivery service is invoked, the call ends after the voice message is recorded. (col. 3 lines 42-44). The voice message is delivered to the called party, who may or may not respond to the recorded message by calling the calling party back or recording a message. (*Stephens* col. 3 lines 50-63 and col. 9 line 39 through col. 10 line 24).

Stephens does not disclose receiving, from a caller device, a text-based message, where an arrangement of a telephone call is initiated in response to the text-based message prior to an attempt to call the network device and where the arrangement is associated with a time to initiate the telephone call between a caller network device and a called network device, as required by amended Claims 1, 20, and 32. Page 2 of the Office Action indicates that Figure 7 of *Stephens* discloses a text-based message. However, *Stephens* fails to disclose that a text-based message that initiates an arrangement of a telephone call is received from a caller device. Rather, *Stephens* discloses "the local exchange processor generates a message . . . comprising a service code portion . . ." (*Stephens* columns 5, lines 4-14; Figure 7). Furthermore, *Stephens* does not disclose that receipt of a text-based message that initiates an arrangement of a telephone call prior to an attempt to call the network device, wherein the arrangement is associated with a time to initiate the telephone call between the caller network device and the called network device. *Stephens* simply discloses a messaging service where the calling party can record a message that can be delivered to the calling party immediately or at a specified time, but not that a telephone call is initiated between a caller device and a called device at a time specified in the arrangement initiated by the text-based message received from the caller device. (See *Stephens* column 6, lines 4-45). In addition, *Stephens* fails to disclose sending an alerting signal, at a time associated with the arrangement, to the network device to be called and to the caller network device.

The claimed invention advantageously allows a caller to arrange a telephone call with another person at a future time such that the telephone call occurs automatically at the arranged time. In conventional systems, such as *Stephens*, a caller first leaves a voice message, which can be delivered to the called party. The voice message can be delivered to the called party, who can then determine whether or not to return the call. No arrangement is made to automatically initiate a telephone call between a caller device and called device at a time specified in the arrangement. As a result of the claimed invention, a time is arranged at which each party is automatically called in response to the text-based message being received prior to an attempt to make a telephone call.

Applicant respectfully notes that in order to support a claim of *prima facie* anticipation, a single reference must teach or enable each of the claimed elements as arranged in the claim interpreted by one of ordinary skill in the art. However, nothing in the art of record, including *Stephens*, discloses the claimed invention as now defined by amended Claims 1, 20, and 32.

Applicant respectfully submits that Claims 2-19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 34-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their dependence. Further, Applicant submits that Claims 2-19, 21-31, and 34-41 define additional patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 1-9, 11-26, 28-32, 34-38, 40, and 41 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

C. Claim Rejected Under 35 U.S.C. § 103

Claims 10, 27, and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stephens* in view of U.S. Patent No. 7,245,612 to Petty et al. (*Petty*). Claim 10 depends from Claim 1, and therefore incorporates all of the patentable features of Claim 1. Claim 27 depends from Claim 20, and therefore incorporates all of the patentable features of Claim 20.

Claim 39 depends from Claim 32, and therefore incorporates all of the patentable features of Claim 32.

Petty discloses an Internet Call Waiting (ICW) service having incoming call information, call screening, and voice messaging capabilities. (*Petty* Abstract; Col. 4, lines 14-36; Col. 7, lines 41-55). In *Petty*, a calling party calls the called party and if the called party is unavailable or does not wish to answer the waiting call, the calling party simply leaves a voice message that is logged and the process ends. (*Petty* Fig. 6; Col.10, lines 19-26). The called party can be notified of the calling party's attempt to connect by displaying the calling party's information on a display and, if the calling party leaves a voice message, the voice message can be forwarded to the called party's e-mail address as an e-mail attachment. (*Petty* Fig.1 and col. 9, line 27 through col. 10, line 50). However, no message is sent prior to the calling party's call and no prior arrangements are made to automatically call each party at a specified time.

Neither *Stephens* nor *Petty*, alone or in combination, teach or suggest receiving, from a caller device, a text-based message that initiates an arrangement of the telephone call prior to an attempt to call the network device, where the arrangement associated with a time to automatically initiate the telephone call, as required by amended Claims 1, 20, and 32. Rather, *Stephens* teaches calling a called party and leaving a message that can be delivered at a specified time, and *Petty* teaches calling a called party and displaying the calling party's information to the called party on a display. Thus, *Petty* fails to bridge the factual deficiencies of *Stephens*, and as such, neither *Stephens* nor *Petty*, alone or in combination, teach or suggest all of the features of amended Claims 1, 20, and 32.

Applicant notes that in order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention. However, nothing in the art of record would, either alone or in combination, teach or suggest each of the elements now defined by amended Claims 1, 20, and 32, respectively.

Applicant respectfully submits that Claims 2-19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 34-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their dependence. Therefore, it is respectfully requested that the rejection of Claims 10, 27, and 39 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

Entry of the amendments to Claims 1, 20, and 32; favorable consideration of Claims 1, 20, and 32, as amended; favorable reconsideration of Claims 2-19, 21-31, and 34-41; and allowance of pending Claims 1-32 and 34-41 are solicited.

In view of the foregoing amendments and remarks, the subject application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number provided below to discuss any outstanding issues.

Respectfully submitted,

/rod s. turner/
Rod S. Turner
Registration No.: 38,639
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
RST:mak